

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael R. Ray,)	C.A. No. 4:07-1705-TLW-TER
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Warden of FCI-ESTILL,)	
)	
Respondent.)	
)	

A petition for a writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 has been submitted to the Court by the *pro se* petitioner. (Doc. # 1). This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the respondent’s motion for summary judgment be granted, and petitioner’s section 2241 Petition for habeas corpus be denied, and the petition dismissed with prejudice and without an evidentiary hearing. (Doc. # 38). It is further recommended that all other pending motions be denied as moot. Petitioner has filed objections to the Report. (Doc. # 40).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and

Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.¹

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 38); petitioner's objections are **OVERRULED** (Doc. # 40); respondent's motion for summary judgment is **GRANTED** (Doc. # 14); petitioner's section 2241 Petition for habeas corpus is **DENIED**, and the petition is **DISMISSED** with prejudice and without an evidentiary hearing. It is further recommended that all other pending motions are **DENIED** as **MOOT**.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

March 11, 2008
Florence, South Carolina

¹The Court does note that in the factual section of the Report on page 3 in the discussion of the BOP's consideration of the 18 U.S.C. § 3621(c) factors, the term concurrently is used. The Court believes this is a typographical error, as the record reflects, and the Report earlier notes on page 2, that the New Jersey state sentence of 18 months was ordered to run consecutively to petitioner's federal sentence.